IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 2345 of 2004

Between:

The Lower Maner Dam Submerged Villages Welfare Society, Karimnagar. rep.by its Secretary K.Bhoomeshwar Rao.

..... PETITIONER

AND

1. The Govt.of A.P.,rep.by its Principal Secretary, Revenue

(LA)Department, Secretariat, Hyderabad.
2 The Chief Commissioner, Planning Department, Govt. of

A.P., Secretariat, Hyderabad.
3 The Special Collector, SRSP,HUDA Complex,Tarnaka,Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of a writ of Mandamus declaring the action of the first respondent in issuing the impugned Memo No.25646/LA(A2)/2002 dated 12-11-2002 as arbitrary and illegal and set aside the same.

Counsel for the Petitioner:MR.S.SATYAM REDDY

Counsel for the Respondent Nos.: The Advocate General

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

This petition has been filed in Public Interest by the Lower Maner Dam Submerged Villages Welfare Society, Karimnagar, questioning the action of the Government in having issued Memo No.25646/LA(A2)/2002 dated 12th November, 2002. The memo draws the attention of all Land Acquisition Officers, District Collectors etc., as to how and in what manner compensation under the Land Acquisition Act should be paid.

The grievance of the petitioner-Society is that the memo offends certain orders of the Supreme Court and thereby deprives the interested persons, whose lands are acquired, to receive compensation including the benefit of interest on solatium as allowed by the Supreme Court in **SUNDER vs UNION OF INDIA**.

In this petition filed as Public Interest Litigation, we need not lay down any guidelines which might apply generally to all cases, since each case will have to be examined on facts of that case and only on the court coming to a conclusion that the person interested is entitled to certain statutory benefits or other benefits that directions can be issued in that case. Moreover, the memo has been issued by the Government, to which the reference courts or other courts are not bound, since they have to decide all claims according to law including the law declared by the Supreme Court.

As such, with liberty reserved to the claimants, whose lands have been acquired, to raise their claims in accordance with law if they feel aggrieved, the petition is dismissed.

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DEVINDER GUPTA, CJ

19-7-2004

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C.V.RAMULU, J

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To

1. The Principal Secretary, Revenue

(LA) Department, Secretariat, Hyderabad.

2 The Chief Commissioner, Planning Department, Govt. of

A.P., Secretariat, Hyderabad.

3 The Special Collector, SRSP, HUDA Complex,Tarnaka,

Hyderabad.

4. 2 CCs to the Advocate General, High Court Buildings, Hyderabad.

5. 2 CD copies.